



**Perspectives on State
Legislation Concerning
Lead Testing in School
Drinking Water**

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State Legislation for Lead Testing in School Drinking Water

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Presented to
the American School Health Association

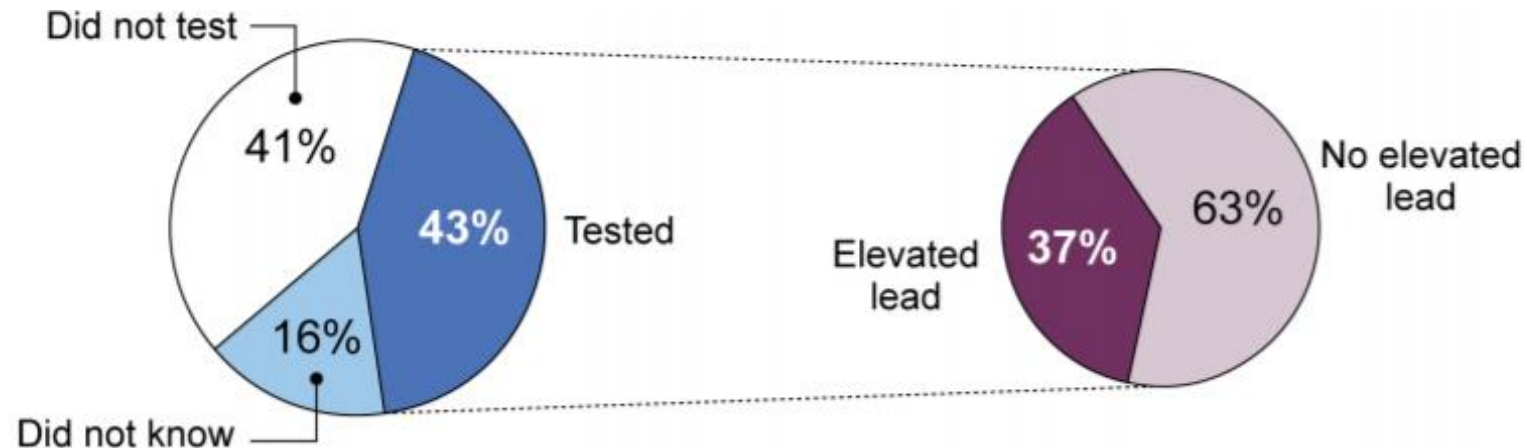
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GAO Study: Scope of the Problem

What GAO Found

An estimated 43 percent of school districts, serving 35 million students, tested for lead in school drinking water in 2016 or 2017, according to GAO's nationwide survey of school districts. An estimated 41 percent of school districts, serving 12 million students, had not tested for lead. GAO's survey showed that, among school districts that did test, an estimated 37 percent found elevated lead (lead at levels above their selected threshold for taking remedial action.) (See figure.) All school districts that found elevated lead in drinking water reported taking steps to reduce or eliminate exposure to lead, including replacing water fountains, installing filters or new fixtures, or providing bottled water.

Estimated Percentage of Public School Districts Reporting Lead Testing and Results for Drinking Water



The Gap in Federal Regulation of School Drinking Water

- States and Community Water Systems are regulated through the Safe Drinking Water Act
- Safe Drinking Water Act and the Lead and Copper Rule do not require testing at schools
- Community Water Systems are responsible for the water in their systems, not for water coming out of specific taps



Figure 1. State Laws Concerning Lead Testing in School Drinking Water

States indicated in dark green have state laws that specifically address testing for lead in school drinking water.

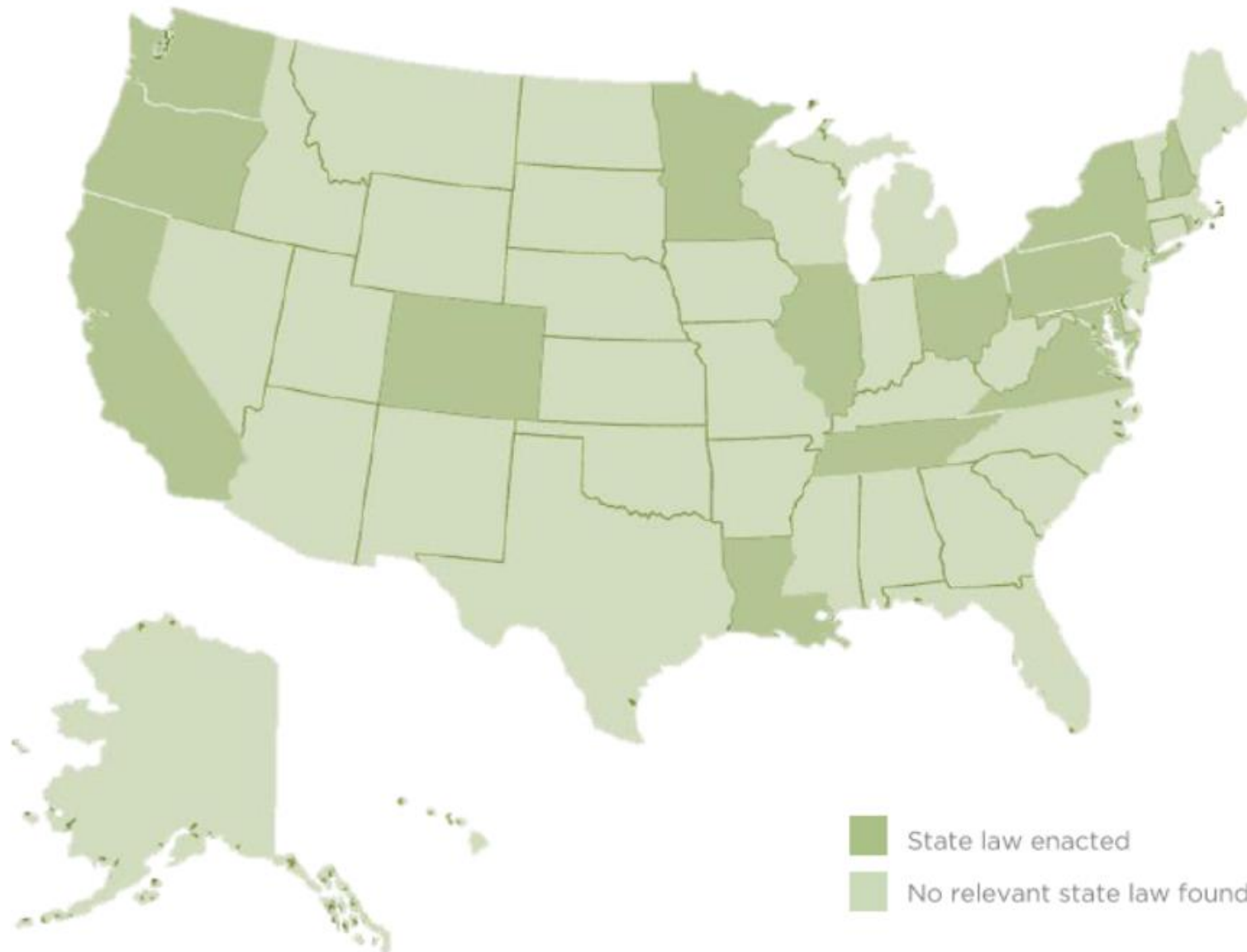


Table 1. State Law Features Influencing Potential Effectiveness

Marks indicate that the feature identified is considered to have an impact on the specified aspect of effectiveness.

Feature	Coverage	Testing Implementation	Risk Reduction	Disclosure
Nature of lead testing (e.g., mandatory or voluntary)		<input type="checkbox"/>	<input type="checkbox"/>	
Responsibility for testing		<input type="checkbox"/>		
Accountability and enforcement		<input type="checkbox"/>	<input type="checkbox"/>	
Financial burden		Varying *	<input type="checkbox"/>	
Scope of testing: <ul style="list-style-type: none"> - Schools covered - Age of school buildings - Outlets tested 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
Subsequent testing and frequency			<input type="checkbox"/>	
Action level			<input type="checkbox"/>	<input type="checkbox"/>
Communication of testing results: <ul style="list-style-type: none"> - Reporting to parents & guardians - Reporting to the public - Reporting to state & local agencies 			<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Stakeholder advisory group		<input type="checkbox"/>	<input type="checkbox"/>	

* The impact of financial burden on whether testing is implemented is more important for voluntary programs.



Mandatory vs. Voluntary

- Most laws passed so far require mandatory testing of schools
- Those that do not include Colorado and Washington, which have grant programs to assist schools with the cost of testing
- 22 schools have signed up for testing in Colorado, and 246 schools (out of 2,400) have signed up in Washington



Responsibility for Testing

- Most laws passed so far put responsibility for testing on the Local Education Agency.
- Washington, Rhode Island, and DC put state agencies in charge of testing.
- California has put responsibility in the hands of Community Water Systems, who have the equipment and personnel who are familiar with water testing protocols.



Action Level



- Most laws reference either the EPA action level of 15 ppb or its guidance that remediation be conducted if an individual outlet's lead level is 20 ppb or higher
- Washington, DC set an action level of 5 ppb for remediation
- EPA's guidance released in October stresses that there is no safe level of lead and that states and local officials should determine when remediation is needed

Ground Water and Drinking Water

Ground Water and Drinking Water Home

Basic Information

Private Wells

Consumer Confidence Reports

Regulatory Requirements

Standards and Regulations

All Drinking Water Topics

Safe Drinking Water Information System

For Students and Teachers

3Ts for Reducing Lead in Drinking Water Toolkit

EPA's 3Ts - **Training, Testing, and Taking Action** - provides tools for schools, child care facilities, states, and water systems to implement voluntary lead in drinking water testing programs.



Additional Resources

- [Lead Testing Programs](#)
- [EPA schools and child care WIIN grant](#)
- [3Ts Highlights](#) (printable version)

Information at: www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-water-toolkit



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Drinking Water Grants

Grant Programs

Water Infrastructure Improvements for the Nation Act (WIIN) Grants

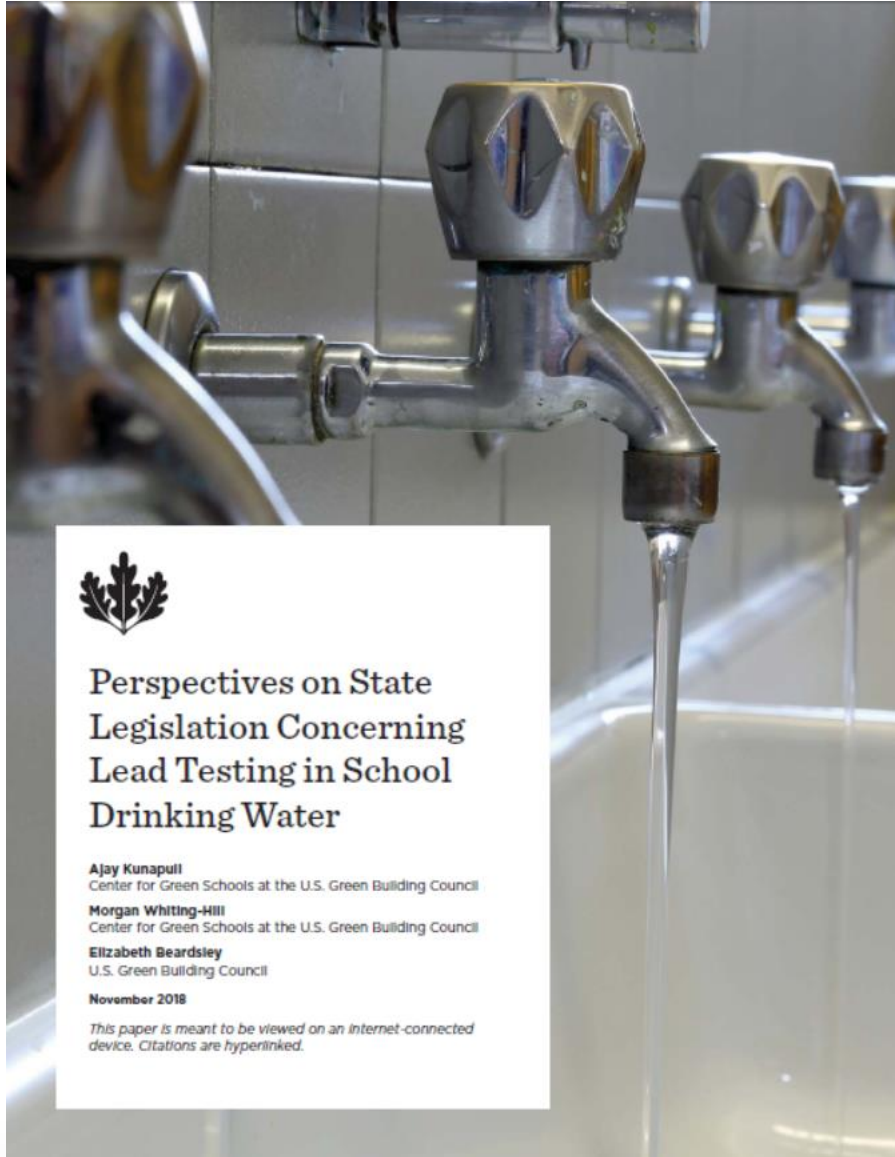
WIIN addresses, supports and improves America's drinking water infrastructure. Included in the [WIIN Act](#) are three new drinking water grants that promote public health and the protection of the environment. As part of the grant, the EPA will award approximately \$1.2 million for fiscal year 2018 to support lead testing in drinking water at tribal schools and child care facilities.

- EPA launched the first of these three grants, [Lead Testing in School and Child Care Program Drinking Water](#), on September 21, 2018.

WIIN Webinar for States

Tuesday, **December 11, 2018**, 2:00-3:00 pm EDT

[View more information and register](#)



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